IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3928 OF 2004

Dashrath Shankar More and anr. ... Applicants

versus

State of Maharashtra and anr. ... Respondents

...

Mr. V.M. Chithani, for the Applicants.

Mr. D.R. More, A.P.P., for the Respondents.

...

CORAM : A.M.KHANWILKAR,J.

11th October 2004

P.C.:

. Heard counsel for the parties. Perused the record. I am not inclined to grant bail to accused No. 3 - Applicant No. 1 herein, as there is ample material on record to connect Applicant No. 1 with the commission of alleged offence. Moreover, the trial is likely to commence very soon. I am told that because of the pendency of the present application, the framing of charge has been deferred. I see no reason why the trial Court should postpone the

framing of charge merely because bail application is pending consideration before the superior Court. Be that as it may, on merits I am not inclined to enlarge the Applicant No. 1 - accused No. 3 - on bail having regard to the overwhelming material to connect him with the alleged offence.

. Insofar as Applicant No. 2 - Accused No. 6 - Sanket Suryakant Shintre - is concerned, it is not in dispute that he was employed as cashier on salary. If it is so, having regard to the fact that the Applicant No. 2, accused No. 6, is already in custody for more than 11 months, taking overall view of the matter, he deserves to be enlarged on bail on following conditions.

(a) Applicant No. 2 - Accused No. 6 - Sanket Suryakant Shintre is enlarged on bail in connection with Cr.No. 92/2003 registered with G.B. C.B. C.I.D. (EOW) Mumbai, on executing personal bond in the sum of Rs.25,000/-(Rupees twenty five thousand only) with two local sureties in the like amount.

(b) Applicant No. 2 - Accused No. 6 - shall not leave the jurisdiction of the concerned police station without prior intimation to the trial Court.

(c) Applicant No. 2 - Accused No. 6 - shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) Applicant No. 2 - Accused No. 6 - shall appear before the trial Court on every date, unless his presence is excused by the trial Court on sufficient cause, failing which that can be ground for cancellation of bail.

(e) Applicant No. 2 - Accused No. 6 - shall extend full co-operation for early disposal of the trial and if the trial Court is of the opinion that the Applicant No. 2 - accused No. 6 - is causing delay in the conclusion of the trial, that opinion be recorded in the roznama, which can be ground for cancellation of bail.

(f) Applicant No. 2 - Accused No. 6 - shall report to the concerned investigating officer once on the first Saturday of the English Calendar month between 11 a.m. to 2 p.m.

. Application disposed of accordingly.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)